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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/721,743 Confirmation No. : 3948
Applicant : Mark COOKE et al.
Filed : November 26, 2003
TC/A.U. : 3622
Examiner : Not Yet Assigned
Title : CONFIGURABLE PRICING OPTIMIZATION SYSTEM

Docket No. : 82001-0397
Customer No. : 24633

Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO-1449, which the Examiner may deem relevant to the patentability of the above-identified application.

The USPTO has waived the requirements under 37 CFR 1.98(a)(2)(I) to submit copies of U.S. Patent and U.S. Patent applications, publications when citing and submitting an Information Disclosure Statement in a patent application filed after June 30, 2003, and International Application that has entered the National Stage under 37 U.S.C. 371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to PRE-OG Notice from the Office of Patent Legal Administration dated July 25, 2003, stating an Information Disclosure Statement may be filed without copies of U.S. patent and published applications for patent applications filed after June 30, 2003.

This information disclosure statement is being filed within one of the following time periods: within three months of the filing date of this application other than a continued prosecution application, or within three months of the date of entry into the national stage of this international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. Therefore, no certification under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO-1449. The references contained in this Information Disclosure Statement were first cited in the attached International Search Report dated June 16, 2004, in counterpart International Application No. PCT/US03/37601.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission the listed documents are material or constitute "prior art." If the Examiner applies the documents as "prior art" against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

Attorney Docket No. 82001-0397
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Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

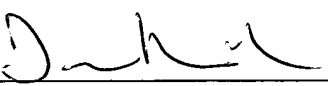
Respectfully submitted,

HOGAN & HARTSON LLP

Dated: November 15, 2004

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